



04-13-08

10541149 - PAU 1993

PTO/SB/1 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/541,149

Filing Date

December 19, 2003

First Named Inventor

Moyes, J. et al.

Group/Art Unit

1754

Examiner Name

Bos, Stephen J.

Attorney Docket Number

42478-0001

### ENCLOSURES (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Fee Transmittal Form                                      | <input type="checkbox"/> Recordation Cover Sheet with Executed Assignment  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  |
| <input type="checkbox"/> Amendment / Response                                      | <input type="checkbox"/> Licensing-related Papers  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition   |
| <input type="checkbox"/> Version With Markings Showing Changes                     | <input type="checkbox"/> Petition to Convert to a Provisional Application  |
| <input type="checkbox"/> Affidavits/declaration(s)                                 | <input type="checkbox"/> Power of Attorney, by Assignee to Exclusive of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers |
| <input type="checkbox"/> Extension of Time Request                                 | <input type="checkbox"/> Terminal Disclaimer   |
| <input checked="" type="checkbox"/> Information Disclosure Statement w/ References | <input type="checkbox"/> Small Entity Statement  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                    | <input type="checkbox"/> Request for Refund  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application         |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53       |  |
| <input type="checkbox"/> Copy of Notice  |  |
- Remarks
- AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 42478-0001

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Proprietary Information

Status Letter

ADDITIONAL ENCLOSURE(S)  
(PLEASE IDENTIFY BELOW):

COPY OF EP SEARCH REPORT AND RETURN POSTCARD

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name      HELLER EHRMAN LLP      JAMES A. FOX (Reg. No. 38,455)  
275 Middlefield Road, Menlo Park, California 94025      Telephone: (650) 324-7000      Facsimile: (650) 324-0638

Signature

Date

April 11, 2007

Customer Number:

25213

### CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP xxxx, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: April 11, 2007.

Express Mail Label EV 581 478 809 US

Typed or printed name

Elena Torres

Signature

Date

April 11, 2007

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.R./

<b>CERTIFICATE OF EXPRESS MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on the date indicated below.			
Express Mail Label: EV 581 478 809 US			
Typed or print name	Elena Torres		
Signature			
	Date	April 11, 2007	



PATENT

Attorney Docket No.: 42478-0001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PATENT APPLICATION**

Inventor(s): Moyes, J. et al. )  
 Application No.: 10/541,149 ) Art Unit: 1754  
 Filed: December 19, 2003 ) Examiner: Bos, Stephen J.  
 Title: RECOVERING METALS FROM SULFIDIC )  
 MATERIALS )

**INFORMATION DISCLOSURE STATEMENT****UNDER 37 C.F.R. §1.97**

Mail Stop: AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609. The references were cited in a search report for the corresponding European patent application. A copy of the search report is enclosed.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided below; or
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- G. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 42478-0001).

Respectfully submitted,

HELLER EHRLMAN LLP

By:

  
JAMES A. FOX  
Reg. No.: 38,055

Dated: April 11, 2007

HELLER EHRLMAN LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Telephone: 1.650.324.7000  
Facsimile: 1.650.324.0638  
Customer No.: 25213

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.